

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Nicholas Martino, et al.	:	
	:	
Plaintiffs	:	Civil Action No.
	:	
v.	:	02-CF-V4633
	:	
	:	
Richard Craft, et al.	:	
	:	
Defendants.	:	

O R D E R

AND NOW, this _____ day of _____, 2003, upon consideration of Defendants Motion for Clarification Regarding Defense Expert Deadlines, and Plaintiffs' Response thereto, it is hereby ORDERED and DECREED that Defendants' expert reports shall be submitted by September 15, 2003.

Honorable Thomas N. O'Neill, Jr.

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**PLAINTIFFS' RESPONSE TO DEFENDANTS MOTION FOR
CLARIFICATION OF DEFENSE EXPERT DEADLINES**

Plaintiffs Nicholas Martino, Nicole Martino, and Marybeth Martino ("Plaintiffs") file this Response to Defendants' Motion for Clarification of Expert Deadlines. Plaintiffs do not oppose defendants' Motion in its entirety but, rather, oppose the September 17, 2003, deadline requested by defendants due to its close proximity to the currently-scheduled trial date of September 22, 2003.¹ Allowing defendants to submit final expert reports on September 17, 2003, would result in unfair prejudice to plaintiffs because plaintiffs' experts will not have sufficient opportunity to review defendants' expert reports in advance of trial. Accordingly, plaintiffs suggest that defendants' expert reports be served by September 15, 2003, in order to allow plaintiffs' experts at least one business week in which to review the reports in preparation for trial. Any deadline closer to the trial date would prejudice plaintiffs'

¹Plaintiffs, by way of a letter dated September 9, 2003, have requested a continuance of the scheduled trial date because of the unavailability of plaintiffs' expert witnesses. Defendants do not oppose that request. If the Court grants the request for a continuance, plaintiffs have no objection to the September 17 deadline sought by defendants.

ability to prepare for trial.

Consequently, plaintiffs request that, if the Court grants defendants' Motion, it enter an Order in the attached form, providing that the defendants final expert reports are due on or before September 15, 2003.

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CERTIFICATE OF SERVICE

I, Darin J. McMullen, Esquire, certify that, on the 9th day of September, 2003, a true and correct copy of Plaintiffs' Response to Defendants' Motion for Clarification of Defense Expert Deadlines and supporting Memorandum of Law was served via First Class Mail on the following individual:

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Attorneys for Plaintiffs,
Nicholas Martino and Nicole
Martino, a minor, by her
parent and guardian,
Marybeth Martino and
Marybeth Martino, in her
own right